

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD M. MOULTON JR.,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant

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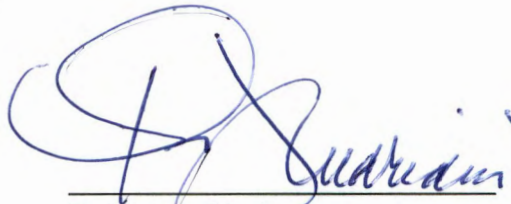
Civil No. 3:22-cv-326

(Judge Mariani)

ORDER

AND NOW, this 29th day of September, 2022, upon consideration of Defendant's motion (Doc. 28) to dismiss, and the parties' respective briefs in support of and in opposition to said motion, and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1. The motion (Doc. 28) is **GRANTED**.
2. Plaintiff's claims pursuant to the Federal Tort Claims Act are **DISMISSED** without prejudice to Plaintiff's right to raise new claims with a certificate of merit that complies with Pennsylvania Rule of Civil Procedure 1042.3.
3. The Clerk of Court is directed to **CLOSE** this case.
4. Any appeal from this Order is **DEEMED** frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).



Robert D. Mariani
United States District Judge